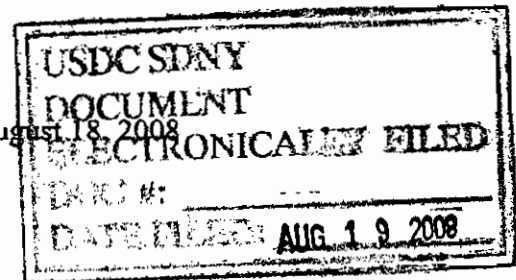


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Honorable Laura Taylor Swain
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

JOINT APPLICATION

Re: Indemnity Insurance Company of North America
Zim American Integrated Shipping Services, et al.
08 Civ. 4416 (LTS)

Dear Judge Swain:

I represent the plaintiff in this admiralty action which involves a claim for cargo damage. I have conferred with counsel for the Zim defendants and have discussed the relevant factual and legal issues. Unfortunately, defendant Glovis Co., Ltd. ("Glovis"), on whose behalf a waiver of service form was executed, has not yet filed an answer to the complaint. This has prevented preparation of the preliminary pre-trial statement. I was informed late last week that the Korean liability insurer for Glovis is arranging for appointment of defense counsel.

For this reason, and the fact that I have overseas travel scheduled between September 5 and 23, 2008, counsel join in respectfully requesting that the initial court conference scheduled for August 22, 2008 be rescheduled for a date in mid-October. This is the first application for an adjournment of the initial conference and counsel thank the Court for its attention.

Respectfully,

David L. Mazaroli

cc: DeOrchis & Partners, LLP

Attn.: Vincent M. DeOrchis, Esq. (Via e-mail: vdeorchis@marinelex.com).

The conference is adjourned to October 24, 2008, at 10:00AM

SO ORDERED.

NEW YORK, NY

LAURA TAYLOR SWAIN

Aug 19, 2008 UNITED STATES DISTRICT JUDGE